

## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### ANTI-PLAQUE EMULSIONS AND PRODUCTS CONTAINING SAME

Case No. P99,0222, the specification of which

(check  
one)   X   is attached hereto.  
       was filed on \_\_\_\_\_, as  
Application Serial No. \_\_\_\_\_  
and was amended on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent Office all information which is known to me to be material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, 1.56(a).<sup>1</sup>

I do not know and do not believe this invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, and I believe that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as identified below:

I hereby claim foreign priority benefits under Title 35, United States Code, 119 of any foreign application(s) for patent or inventor's certificate listed below

Prior Foreign Application(s)

Number

Country

Date

and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the above listed application on which priority is claimed:

Prior Foreign Application(s)

Number

Country

Date

<sup>1</sup> (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

Application Number

Filing Date

60/112,641

December 17, 1998

60/118,330

February 3, 1999

If no priority is claimed, I have identified all foreign patent applications filed prior to this application:

Prior Foreign Application(s)

Number

Country

Date

And I hereby appoint Jack D. Nimz (Registration No. 35,301) Robert and Gordon N McGrew (37,393), both of Wm. Wrigley Jr. Company and Messrs. John D. Simpson (Registration No. 19,842), Dennis A. Gross (24,410), Robert M. Barrett, (30,142) Steven H. Noll (28,982), Kevin W. Guynn (29,927), Robert M. Ward (26,517), Brett A. Valiquet (27,841), Edward A. Lehman (22,312), David R. Metzger (32,919), Todd S. Parkhurst (26,494), James D. Hobart (24,149), Melvin A. Robinson (31,870), John R. Garrett (27,888), Joseph P. Reagen (35,332), Michael R. Hull (35,902), Michael S. Leonard (37,557), William E. Vaughan (39,056), and Lewis T. Steadman (17,074), all members of the firm of Hill & Simpson, A Professional Corporation;

Telephone: 312/876-0200

as my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and direct that all correspondence be forwarded to:

Hill & Simpson

A Professional Corporation

85th Floor Sears Tower, Chicago, Illinois 60606

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor ROMAN M. BARABOLAK

Inventor's signature: Roman M. Barabolak Date 11/2/99

Residence Palos Park, Illinois

Citizenship United States

Post Office Address 639 Indian Trail

Palos Park, IL 60466

Full name of second joint inventor,

(if any)

DAVE L. WITKEWITZ

Inventor's signature: David Witkewitz Date 10/27/99

Residence Bridgeview, Illinois

Citizenship United States

Post Office Address 7007 West 88th Place

Bridgeview, IL 60455

## ASSIGNMENT

FOR and in consideration of One Dollar (\$1.00) to us in hand paid and other valuable considerations, the receipt and sufficiency whereof are hereby acknowledged and confessed, we, **Roman M. Barabolak and Dave L. Witkewitz**, residing at **639 Indian Trail, Palos Park, Illinois 60466; and 7007 West 88th Place, Bridgeview, Illinois 60455**, respectively, and citizens of the **United States**, hereby sell, assign, transfer and set over unto **Wm. Wrigley Jr. Company**, a corporation of **Delaware**, having an office and place of business at **410 N. Michigan Ave., Chicago, Illinois**, the entire right, title and interest in and to our inventions in

### **"ANTI-PLAQUE EMULSIONS AND PRODUCTS CONTAINING SAME"**

prepared by the firm of Hill & Simpson, A Professional Corporation of Chicago, Illinois, and executed of even date herewith, said application being identified in the office records of said firm as Case No. **P99,0222**; and in and to the United States Letters Patent therefore, when issued together with all improvements thereon and betterments thereof, all divisions, continuations and reissues thereof and substitutions of or for said application, and all foreign rights including the right to make application for Letters Patent for said inventions in any and all foreign countries and the right to claim priority as to the filing date under the International Convention on the basis for the aforesaid application for United States Letters Patent; and we hereby authorize and direct the Commissioner of Patents to issue the patent for said inventions, when granted, in accordance with this Assignment and sale.

For the same considerations, we hereby agree that we will promptly communicate to the aforesaid assignee or its assigns full and complete information concerning improvements or betterments of the inventions disclosed in said application, and we will cooperate at any time upon request of said assignee or its assigns, at its or their expense, in the procurement of patent protection to cover the inventions herein assigned and to be assigned, including the execution of new, divisional, continuing and reissue applications; we will make all rightful oaths, will testify in any proceedings in the United States Patent Office or in the Courts, and generally will do everything lawfully possible to aid said assignee, its successors, assigns, and nominees to obtain, enjoy and enforce proper patent protection for the inventions embraced within the terms of this document.

IN WITNESS WHEREOF, we have hereunto subscribed our name and affixed our seal

at:

City of Chicago  
County of Cook  
State of Illinois

Date:

11/2/99

Roman M. Barabolak

(SEAL)

ROMAN M. BARABOLAK

State of Illinois

County of Cook

SS

Before me personally appeared **Roman M. Barabolak** known to me to be the person who executed the foregoing instrument, and acknowledged the execution and delivery thereof, under his seal, for the uses and purposes therein set forth, on the day and year aforesaid.

Sheila N. Wood

Notary Public

SEAL

OFFICIAL SEAL  
SHEILA N. WOOD  
NOTARY PUBLIC, STATE OF ILLINOIS  
MY COMMISSION EXPIRES 6-26-2001

City of Chicago  
County of Cook  
State of Illinois

Date:

10/27/99

David L. Witkewitz

(SEAL)

DAVE L. WITKEWITZ

State of Illinois

County of Cook

SS

Before me personally appeared **Dave L. Witkewitz** known to me to be the person who executed the foregoing instrument, and acknowledged the execution and delivery thereof, under his seal, for the uses and purposes therein set forth, on the day and year aforesaid.

Sheila N. Wood

Notary Public

SEAL

OFFICIAL SEAL  
SHEILA N. WOOD  
NOTARY PUBLIC, STATE OF ILLINOIS  
MY COMMISSION EXPIRES 6-26-2001